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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 MARCY SEXTON,

8 Plaintiff,

9 v.

10 MICHAEL J. ASTRUE, Commissioner of
11 Social Security,

12 Defendant.

Case No. C11-2020-JLR-BAT

**REPORT AND
RECOMMENDATION**

13 Marcy Sexton seeks review of the denial of her Supplemental Security Income
14 application. Dkt. 3. The parties stipulate the case should be **REVERSED** and **REMANDED**
15 for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 20.

16 On remand, the Administrative Law Judge (“ALJ”) shall:

- 17 (1) Update the treatment evidence on plaintiff’s medical condition up to October 6,
18 2011, and, if possible, obtain treatment notes from Sarah Eichenberger, A.R.N.P.,
19 and Anastassia Putilina-Naylor, B.H.S.;
- 20 (2) Re-evaluate the severity of plaintiff’s migraine headaches;
- 21 (3) Evaluate plaintiff’s gastroparesis;
- 22 (4) Re-evaluate the medical source opinion of Caryn M. Berkowitz, M.D., as well as
23 non-medical opinions of record, and explain the weight given to this opinion

evidence;

(5) Re-evaluate the lay statements of Beverly Sexton-Megard;

(6) Re-assess plaintiff's credibility in light of the above; re-assess plaintiff's residual functional capacity on the updated record, and cite specific evidence in support of the assessed limitations; and

(7) Further consider whether plaintiff has past relevant work she could perform with the limitations established by the evidence; and, as appropriate, secure supplemental evidence from a vocational expert to clarify the effect of the assessed limitations on plaintiff's occupational base.

On remand, the Appeals Council will affirm plaintiff's subsequent allowance finding her disabled beginning October 6, 2011.

Plaintiff is entitled to reasonable attorney fees pursuant to 28 U.S.C. § 2412(d), upon proper request to the Court.

Because the parties have stipulated that the case be remanded as set forth above, the Court recommends that United States District Judge James L. Robart immediately approve this Report and Recommendation and order the case **REVERSED** and **REMANDED** for further administrative proceedings. A proposed order accompanies this Report and Recommendation.

DATED this 4th day of June, 2012.



BRIAN A. TSUCHIDA
United States Magistrate Judge